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15 UNITED STATES BANKRUPTCY COURT
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17 NORTHERN DISTRICT OF CALIFORNIA, SANTA ROSA DIVISION

18 In re:
19 JOHN EDWARD FRAINE
20 Debtor.
21
22 SSN: XXX-XX-8899

23 Case No. 13-11158
24 Chapter 7

25 EX PARTE APPLICATION FOR ORDER
26 SHORTENING TIME

27 Court: Hon. Alan Jaroslovsky
28 99 South E Street
Santa Rosa, California
95404

19 **I. INTRODUCTION**
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22 Debtor John Fraine (hereinafter “Debtor”) hereby applies *ex parte* for an order shortening
23 time on Debtor’s motion for an Order Compelling Abandonment of the Estate’s interest pursuant
24 to 11 U.S.C. §554 in the shares of the The Perfect Builder Inc. d/b/a Building Solutions
25 (hereinafter “Corporation”).

26 This application is based on the lack of any value in the Corporation as set forth in the
27 Motion and the concurrently filed Declaration of John Fraine.

28 Further, good cause exists to shorten time so as to prevent any possible liability to the
estate and to resolve the case before the Court without incurring any expense to the estate or the
Trustee. Further, there is no value in the business, and is therefore burdensome to the estate
because it is of inconsequential value and/or has no benefit to the estate.

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2 **II. ARGUMENT**

3 Debtor filed and served a Motion to Compel Abandonment on July 2, 2013 and currently
4 has a hearing date set for August 2, 2013.

5 As shown in the filed schedules and the Statement of Financial Affairs of this case, the
6 Debtor owns shares in the corporation The Perfect Builder Inc. d/b/a Building Solutions.

7 Debtor in this case is the sole shareholder, and the business is for building contracting
8 services. Debtor is the only contractor for the business. As the business is incorporated, the
9 continued operation of the business presents no liability for the estate.

10 The value of the corporation is zero. It has substantial cash assets of approximately
11 \$95,000 as of the date of filing. However, the business has unsecured liabilities in excess of
12 \$125,000 as set forth in the schedules and the concurrently filed Declaration of the Debtor.

13 For these reasons, Debtor asserts that there is no business equipment or inventory that can
14 be profitably liquidated by the Trustee over and above the exemptions claimed by the Debtor.

15 In addition, Debtor asserts that pursuant to 11 U.S.C. §721, the Trustee is obliged to
16 abandon the estate's interest in the business as there is a lack of any non-exempt equity in any
17 business-related asset, equipment or inventory, there is no benefit to the estate from continuing to
18 hold this case open.

19 For these reasons, Debtor requests that the motion be heard on shortened time and set for
20 hearing on July 12, 2013 at 10:00am.

21 Dated: July 2, 2013

22 /s/ Thomas P. Kelly III
Thomas P. Kelly III
23 Attorney at Law

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